

1 contained in the disclosure, and such testimony shall be admitted as substantive evidence
2 in any hearing or trial in the above captioned matter.

3 Based on the foregoing, the parties jointly move for the release of the above-named
4 material witnesses to the Department of Homeland Security for return to their country of
5 origin.

6 Respectfully submitted this _____ day of _____, 2022.

7
8 GARY M. RESTAINO
United States Attorney
District of Arizona

9
10 MICAH SCHMIT
11 Assistant U.S. Attorney

12 I translated or caused to be translated this agreement from English into Spanish to
13 the defendant on the ___ day of _____, 2022.

14
15 
16 Adam Richard Dippel, Esq.
17 Attorney for Defendant

18 I understand and agree to the terms of this stipulation.

19
20 
21 Brian Tackett
22 Defendant

1 GARY M. RESTAINO
2 United States Attorney
3 District of Arizona
MICAH SCHMIT
4 Assistant U.S. Attorney
State Bar No.: 014887
United States Courthouse
405 W. Congress Street, Suite 4800
5 Tucson, Arizona 85701
Telephone: 520-620-7300
6 gerard.schmit@usdoj.gov
7 Attorneys for Plaintiff

8
9
10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE DISTRICT OF ARIZONA

12 United States of America,

13 Mag. No. 22-00083M (LAB)

14 Plaintiff,

15 vs.

16 Brian Tackett,

17 Defendant.

18 STIPULATION AND JOINT MOTION
19 FOR RELEASE OF MATERIAL
WITNESSES WITHOUT TAKING
VIDEO DEPOSITION

20 The United States of America, through undersigned counsel, and the defendant,
21 individually and through counsel, do hereby agree and stipulate as follows:

22 1. Fatima De Jesus Figueroa-Gomez and Ramon Mata-Miranda (hereinafter
23 referred to as "material witnesses"), are not natural born or naturalized citizens, legal
24 permanent residents, or nationals of the United States;

25 2. The material witnesses entered the United States illegally on or about January
26 17, 2022;

27 3. The material witnesses were transported in the vehicle where defendant
28 Brian Tackett was a passenger;

29 4. The parties also jointly agree that as a result of this stipulation, the material
30 witnesses will be returned to their country of origin and thus unavailable as defined in Fed.
31 R. Evid. 804;

32 5. Therefore, the parties agree that the government may elicit hearsay testimony
33 from any agent regarding any statements made by the above-referenced material witnesses